

guen

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

02:19 PM

SUCV2007-04871

Massachusetts v Equity Residential Managment LLC

File Date	11/05/2007	Status	Disposed: transfered to other court (dtrans)
Status Date	01/10/2008	Session	E - Civil E, 3 Pemberton Sq, Boston
Origin	1 - Complaint	Case Type	D01 - Specific performance of contract
Track	A - Average track	Lead Case	
		Jury Trial	Yes

DEADLINES

	Service	Answer	Rule12/19/20	Rule 15	Discovery	Rule 56	Final PTC	Judgment
Served By			03/04/2008	12/29/2008	10/25/2009	11/24/2009		
Filed By	02/03/2008	03/04/2008	04/03/2008	01/28/2009		12/24/2009		10/20/2010
Heard By			05/03/2008	01/28/2009			04/23/2010	

PARTIES

Plaintiff Commonwealth of Massachusetts Active 11/05/2007	Private Counsel 647238 Sheilla Creaton Kelly Mass Atty General's Office One Ashburton Place Boston, MA 02108 Phone: 617-727-2200 Fax: Active 11/05/2007 Notify
Defendant Equity Residential Managment LLC Served: 12/10/2007 Served (answr pending) 12/17/2007	Private Counsel 600362 Christa von der Luft Nutter McClennen & Fish World Trade Center West 155 Seaport Boulevard Boston, MA 02110-2604 Phone: 617-439-2000 Fax: 617-973-9748 Active 01/10/2008 Notify

ENTRIES

Date	Paper	Text	
11/05/2007	1.0	Complaint filed with request for trial by jury	I HEREBY ATTEST AND CERTIFY ON JAN. 15, 2008 , THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY. MICHAEL JOSEPH DONOVAN CLERK / MAGISTRATE SUFFOLK SUPERIOR CIVIL COURT DEPARTMENT OF THE TRIAL COURT <i>Charm A. Walsh</i> ASSISTANT CLERK.
11/05/2007		Origin 1, Type D01, Track A.	
11/05/2007	2.0	Civil action cover sheet filed	
11/05/2007	3.0	Plaintiff Commonwealth of Massachusetts's MOTION for appointment of Quinton Dale, Director as special process server allowed (Hines,J)	
12/17/2007	4.0	SERVICE RETURNED: Equity Residential Managment LLC(Defendant) (certified mail on 12/17/07)	
01/10/2008		Copy of petition for removal to U. S. Dist. Court of Deft. Equity Residential Management LLC, U. s. Dist. #(108-CV-10002RCL).	
01/10/2008		Case REMOVED this date to US District Court of Massachusetts	

EVENTS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION No.

07-4871-E

COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT,
LLC,

Defendant.

COMPLAINT

SUFFOLK SUPERIOR COURT
CIVIL ACTION NO. 07-4871-E
2007 NOV -5 PM 4:23
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

INTRODUCTION

The Commonwealth of Massachusetts, by and through its Attorney General Martha Coakley, brings this action pursuant to G.L. c. 151B, §§ 5 and 9, and G.L. c. 12, § 10 against Equity Residential Management Corp. ("Equity" or the "Defendant"), for unlawful housing discrimination on the basis of disability. The Defendant violated G.L. c. 151B, § 4 by denying a reasonable accommodation to James Lauper, a disabled person who requires two companion dogs, and refusing to rent him an apartment because of the property's no pet policy. The Commonwealth seeks injunctive relief and damages against the Defendant to redress its discriminatory practices.

PARTIES

1. The Commonwealth of Massachusetts, through its Attorney General, is located at One Ashburton Place, Boston, Massachusetts.
2. Defendant Equity Residential Management Corp. is the managing agent for the owner of the Emerson Place Apartments, located at 5 Longfellow Place, Boston,

Massachusetts, which is a 444-unit apartment community. Equity's principal place of business is at Two North Riverside Plaza, Suite 400, Chicago, Illinois.

JURISDICTION AND VENUE

3. Jurisdiction is conferred on this Court by G.L. c. 151B, §§ 5 and 9, and by its general equity powers set forth in G.L. c. 214, § 1.

4. Pursuant to G.L. c. 151B, § 5, venue lies in Middlesex County because it is the county in which the discriminatory and unlawful conduct occurred.

5. On March 26, 2007, James Lauper, filed a complaint with the Boston Fair Housing Commission ("BFHC") against the Defendant. The complaint was concurrently filed with the Massachusetts Commissions Against Discrimination and Department of Housing and Urban Development.

6. On September 12, 2007, BFHC issued a probable cause finding under City of Boston Code, Ordinances, Title 10, sec. 154 (1982), as amended by St. 1994, c. 37 and St. 1998, c. 165; and G.L. c. 151B, § 4, that the Defendant unlawfully discriminated against Mr. Lauper on the basis of his disability by failing to provide a reasonable accommodation.

FACTS

7. James Lauper is a disabled man who suffers from a heart condition and diabetes. He requires two companion dogs. He is a recipient of Social Security Income ("SSI") and resides at 81 Orton Marotta Way, South Boston, Massachusetts.

8. In January 2007, Lauper noticed an advertisement for affordable apartment units at the Emerson Building, located at 5 Longfellow Place, Boston,

Massachusetts ("the Property"). The advertisement indicated that selection of tenants for units at the Property would be done by a lottery system.

9. Shortly thereafter, Mr. Lauper contacted the Defendant to obtain an apartment rental application for the Property. Mr. Lauper spoke with one of the Defendant's rental agents and informed her that he would like to apply to rent an apartment at the Property and that he was disabled and had two companion dogs. The agent informed Mr. Lauper that the Property had a strict no-pet policy that had been in place since 1998, but that his dogs would not be a problem.

10. Mr. Lauper filled out and submitted a rental application to the Defendant on January 25, 2007. On his application, Mr. Lauper indicated that he was a disabled person.

11. On or about February 1, 2007, approximately one day before the application deadline, another of Defendant's employee Kelly Wollinger, telephoned Mr. Lauper and left him a voicemail message stating that the Property's no-pet policy does not allow dogs and that Mr. Lauper would not be able to rent an apartment and that she was sorry.

12. On or about February 16, 2007, Mr. Lauper submitted to the Defendant a written request for a reasonable accommodation asking the Defendant to make an exception to the no-pet policy and allow Mr. Lauper to keep his companion dogs as a reasonable accommodation to his disability. Mr. Lauper's medical need for the dogs is supported by the letter from his physician, dated May 8, 2007.

13. The Defendant failed to respond to Mr. Lauper's request for a reasonable accommodation and failed to provide him with any updates on the status of his application.

STATEMENT OF CLAIMS

Unlawful Housing Discrimination Based on Disability

14. The Commonwealth of Massachusetts realleges and incorporates paragraphs 1 through 13.

15. The property at 5 Longfellow Place, Boston, Massachusetts falls under the term "housing or housing accommodations" as defined in G.L. c. 151B, § 1(9).

16. Mr. Lauper suffers from a disability that is a physical and psychological impairment that substantially limits one or more of his major life activities and is "handicapped" as defined in G.L. c. 151B, § 1(17).

17. The Defendant did not process Mr. Lauper's application for rental and never responded to his request for reasonable accommodation, denying him such accommodation in violation of G.L. c. 151B, § 4.

18. The Defendant engaged in discriminatory and unlawful conduct by refusing to rent to Mr. Lauper and failing to grant Mr. Lauper's request of reasonable accommodation.

PRAYER FOR RELIEF

WHEREFORE, the Commonwealth of Massachusetts requests that this Court:

- (a) Declare that the Defendant violated G.L. c. 151B, § 4;
- (b) Enter a permanent injunction enjoining the Defendant from engaging in discriminatory acts or violating G.L. c. 151B, § 4;
- (c) Order the Defendant to take affirmative steps to ensure that such unlawful and discriminatory conduct does not recur;
- (d) Award compensatory, punitive, and exemplary damages to James Lauper.
- (e) Award attorneys' fees and costs; and
- (f) Order such other relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

I HEREBY ATTEST AND CERTIFY ON
JAN. 15, 2008 **THAT THE**
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

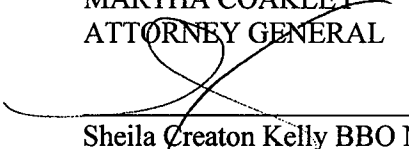

ASSISTANT CLERK.

Dated: November 5, 2007

By the Plaintiff:

COMMONWEALTH OF MASSACHUSETTS

MARTHA COAKLEY
ATTORNEY GENERAL


Sheila Creaton Kelly BBO No. 647238
Assistant Attorney General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <u>Suffolk</u>	Docket Number 07-4871 - E
PLAINTIFF(S) <u>Commonwealth of Mass</u>		DEFENDANT(S) <u>Equity Residential Management, LLC</u>
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>Sheila Creton Kelly - AAG - office of Attorney General</u> <u>1 Ashburton Pl. Boston MA 02108</u> <u>617-727-2200</u> Board of Bar Overseers number: <u>647238</u> <u>K2920</u>		ATTORNEY (if known) <u>Lisa Lieb</u> <u>Equity Residential - Legal</u> <u>2 North Riverside Plaza, Suite 400</u> <u>Chicago IL 60606</u>

Origin code and track designation

Place an x in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s. 104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)
---	--

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
<u>D99</u>	<u>Housing Discrimination</u>	(F)	(<input checked="" type="checkbox"/>) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS
(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses	\$
2. Total Doctor expenses	\$
3. Total chiropractic expenses	\$
4. Total physical therapy expenses	\$
5. Total other expenses (describe)	\$

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

F. Other documented items of damages (describe)

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

TOTAL: \$

CONTRACT CLAIMS
(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods." *Mandatory Housing Discrimination Case Under 151B*

Signature of Attorney of Record [Signature] DATE: 11/5/07

A.O.S.C. 2003

I HEREBY ATTEST AND CERTIFY ON

JAN. 15, 2008

THAT THE

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY Clare A Walsh
ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION No.

07-4871-E

COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT,
LLC,

Defendant.

11/5/07
Filed & Allowed
By the Court
(Hines, J.)
Attest:
M. J. Kelly
Clerk

PLAINTIFF'S MOTION TO APPOINT SPECIAL PROCESS SERVER

Plaintiff, the Commonwealth of Massachusetts, respectfully moves this Court to appoint Quinton Dale, Director of the Investigation Division of the Attorney General's Public Protection Bureau, or his successor or designee, to serve the summons, complaint, and all other papers of this action upon the defendants. Quinton Dale, his successor, or his designee is a qualified person over the age of eighteen and is not a party in this action. As grounds for this motion, plaintiff states that the need for immediate service warrants this appointment.

HEREBY ATTEST AND CERTIFY ON

**JAN. 15, 2008, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

John A. Walsh

ASSISTANT CLERK.

Dated: November 5, 2007

By the Plaintiff:
MARTHA COAKLEY
ATTORNEY GENERAL

Sheila Creation Kelly
Sheila Creation Kelly (BBO No. 647238)
Assistant Attorney General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

Commonwealth of Massachusetts

4

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 07-4871-E

Commonwealth of Massachusetts, Plaintiff(s)

v.

Equity Residential Management, LLC., Defendant(s)

2007 DEC 17 PM 2:33

SUMMONS

To the above-named Defendant: Equity Residential Management, LLC.

You are hereby summoned and required to serve upon Sheila Creaton Kelly, Assistant Attorney General, Office of the Attorney General

plaintiff's attorney, whose address is One Ashburton Pl., Boston, MA 02108, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the _____ day of _____, in the year of our Lord two thousand 2007.

Michael Joseph Donovan
Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 1 3rd Rev.

I HEREBY ATTEST AND CERTIFY ON

JAN. 15, 2008, THAT THE

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY: *Cheryl A. Walsh*

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION
No. 07-4871-E

Commonwealth of Massachusetts, Plaintiff(s).

v.

Equity Residential Management, LLC, Defendant(s).

SUMMONS

(Mass. R. Civ. P. 4)

(AFFIX FILING STAMP HERE)

10/10, 2007

N.B. TO PROCESS SERVER:-
PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

PROOF OF SERVICE

I hereby certify and return that on 10/10, 2007 I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

*Delivered to mail through the long arm statute
Delivered to Attorney Lisa Leib, Equity Residential
Management, 1000 Riverside Plaza, Suite 200, Chicago, IL 60606
Signed for on 10/10/07 by C. Hobden, Jr.
Dated: 10/10/07*

*Investigator
Office of Attorney General*

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION No. ~~04-5100-H~~

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

vs.

EQUITY RESIDENTIAL MANAGEMENT, LLC,

Defendant

SUFFOLK SUPERIOR COURT
2007 DEC 17 PM 2:33
JUDGE
CLERK
MAGISTRATE

AFFIDAVIT OF SERVICE

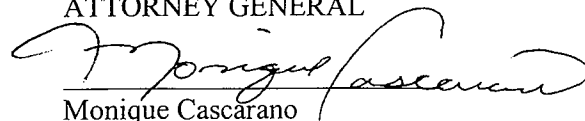
I, Investigator Monique Cascarano, of the Investigations Division of the Public Protection and Advocacy Bureau of the Office of the Attorney General, state under oath that I served the Summons and Complaint in the above-captioned matter on defendant pursuant to Rule 4(d)(2) of the Massachusetts Rules of Civil Procedure as follows:

1. On Tuesday, December 4, 2007, I mailed a copy of the Summons and Complaint Return Receipt Requested to Attorney Lisa Leib, Equity Residential Management, LLC, 2 North Riverside Plaza, Suite 400, Chicago, IL, 60606.
2. The Return Receipt (see attached) was returned to me on, Monday, December 17, 2007. C. Hadden signed for the package on Monday, December 10, 2007.

FOR THE COMMONWEALTH

MARTHA COAKLEY
ATTORNEY GENERAL

By:

A handwritten signature in dark ink, appearing to read "Monique Casciaro", is written over a horizontal line.

Monique Casciaro
Investigator
Investigations Division
Public Protection and
Advocacy Bureau
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

DATE: December 17, 2007

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

7005 1A00 0005 8627 3479

02 1M \$0.00
 0004214531 DEC
 MAILED FROM ZIP CODE

UNITED STATES POSTAGE
 FIRST CLASS

INV. Cert
 Return Re.
 (Endorsement F)
 Restricted Del.
 (Endorsement F)

Total Postage

Sent To
 Street, Apt. No.
 or PO Box No.
 City, State, ZIP+4

Att: LISA LEB EQUIT RESIDENTIAL MGT
 2 North Riverside Plaza Sp 4
 Chicago, IL 60606

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Attorney
 LISA LEB
 2 North Riverside Plaza

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
 C. HADDER 1/17/08

D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No

US Form 3800, June 2002 (Revised)

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

1. **ONLY** be combined with First-Class Mail® or Priority Mail®.

2. **IS NOT** available for any class of international mail.

3. **COVERAGE IS PROVIDED** with Certified Mail. For

ease consider Insured or Registered Mail.

4. **Return Receipt** may be requested to provide proof of

delivery. To obtain Return Receipt service, please complete and attach a Return

Receipt (Form 3811) to the article and add applicable postage to cover the

mailpiece. To receive a fee waiver for

return receipt, a USPS® postmark on your Certified Mail receipt is

required. Additional fee, delivery may be restricted to the addressee or

an authorized agent. Advise the clerk or mark the mailpiece with the

word "Restricted Delivery".

5. **Mark on the Certified Mail receipt** is desired, please present the arti-

cle at the post office for postmarking. If a postmark on the Certified Mail

receipt is not needed, detach and affix label with postage and mail.

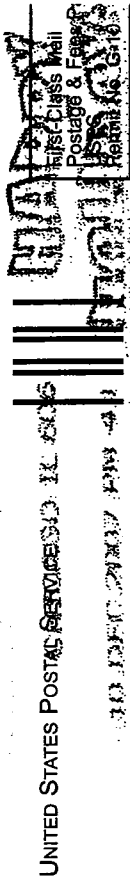
IMPORTANT: Save this receipt and present it when making an inquiry.

Internet access to delivery information is not available on mail

addressed to APOs and FPOs.

04 2007
E 02114

0.000



• Sender: Please print your name, address, and ZIP+4 in this box •

Monique Cassarano
Attorney General

Suffolk Superior Civil # 07-4871
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,)
)
 Plaintiff,)
)
 v.)
)
 EQUITY RESIDENTIAL MANAGEMENT, LLC,)
)
 Defendant.)

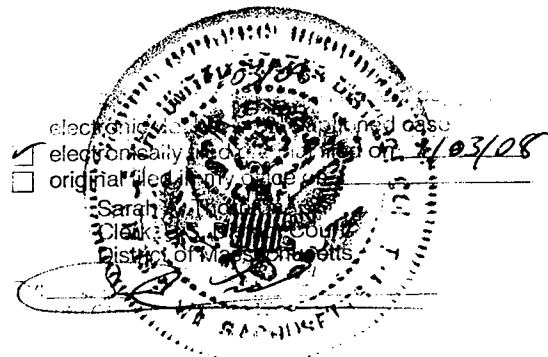
NOTICE OF REMOVAL

2008 JAN 10 PM 12:00
 CLERK OF DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

Pursuant to 28 U.S.C. §§ 1441, 1446, defendant Equity Residential Management, LLC ("Equity") removes the Massachusetts state court civil action, *Commonwealth of Massachusetts v. Equity Residential Management LLC*, Middlesex Superior Court, C.A. No. 07-4871-E, to this Court. Copies of all process, pleadings and orders served upon defendant are attached as Exhibit A. The state court action is removable to this court under 28 U.S.C. § 1441(a), diversity of citizenship. A more detailed statement of the grounds for removal follows:

1. Lauper claims unlawful housing discrimination based on his alleged disability in violation of Mass. Gen. Laws ch. 151B, §§ 5, 9 and ch. 12, § 10. Lauper contends that he is disabled due to a heart condition and diabetes and requires two companion dogs and that Equity failed to respond to his application for an affordable rental unit at the Emerson Building at 5 Longfellow Place in Boston because of his alleged disability.

2. Equity is a Delaware corporation with a principal place of business in Chicago, Illinois.



3. The Commonwealth seeks compensatory damages for Lauper arising out of the alleged discriminatory refusal to rent him an apartment, punitive damages, exemplary and attorneys' fees. There is thus more than \$75,000 in controversy in this action.

3. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction of this matter as a suit between citizens of different states with the amount in controversy exceeds \$75,000.

4. Equity's Notice of Removal is filed within 30 days after receipt by Equity of the Commonwealth's Complaint.

WHEREFORE, Equity requests that this Court retain jurisdiction of this action under 28 U.S.C. §§ 1441, 1446.

EQUITY RESIDENTIAL MANAGEMENT,
LLC,

By its attorneys,

/s Christa von der Luft
Christa von der Luft (BBO# 600362)
Nutter, McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
(617) 439-2000

Date: January 3, 2008

1696715.1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
C.A. No. 07-4871-E

COMMONWEALTH OF MASSACHUSETTS,)

Plaintiff,)

v.)

EQUITY RESIDENTIAL MANAGEMENT)
LLC,)

Defendant.)

NOTICE OF NOTICE OF REMOVAL

2008 JAN 10 PM 12:03
CLERK OF DISTRICT COURT
SUFFOLK COUNTY

Defendant Equity Residential Management LLC hereby files with the Clerk of this Court a copy of its Notice of Removal, attached hereto as Exhibit A, filed in the United States District Court for the District of Massachusetts on January 3, 2008.

EQUITY RESIDENTIAL
MANAGEMENT LLC,

By its attorneys,

Christa von der Luft
Christa von der Luft (BBO# 600362)
Nutter, McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
(617) 439-2000

Date: January 9, 2008

1696861.1

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorneys of record for each party by mail/by hand

Date: 1/9/08 Christa von der Luft